

# JUDICIARY

## FINANCIAL SUMMARY

	FY 2005 EXPENDITURE	FY 2006 APPROPRIATION	FY 2007 REQUEST	GOVERNOR RECOMMENDS FY 2007
Supreme Court & State Sentencing Adv. Comm.	\$ 7,464,789	\$ 7,071,563	\$ 8,674,183	\$ 8,142,779
Office of State Courts Administrator	20,375,313	27,465,810	25,357,766	25,013,987
Court of Appeals	10,064,807	9,958,187	11,133,629	10,162,583
Circuit Courts	113,200,103	114,443,032	130,496,803	126,118,791
Drug Courts	3,321,500	3,321,500	5,821,500	4,321,500
Commission on Retirement, Removal, and Discipline of Judges	192,687	193,161	215,161	209,181
Appellate Judicial Commission	3,382	7,741	7,741	7,741
<b>TOTAL</b>	<b>\$ 154,622,581</b>	<b>\$ 162,460,994 *</b>	<b>\$ 181,706,783</b>	<b>\$ 173,976,562</b>
General Revenue Fund	140,697,623	140,367,340	161,237,743	153,996,581
Federal Funds	5,531,703	12,881,488	9,551,374	9,700,642
Third Party Liability Collections Fund	254,615	356,912	356,912	366,067
Statewide Court Automation Fund	3,750,391	5,009,944	5,009,944	4,356,594
Supreme Court Publications Revolving Fund	87,207	150,000	150,000	150,000
Missouri CASA Fund	80,041	100,000	100,000	100,000
Crime Victims' Compensation Fund	632,000	887,200	887,200	887,200
Circuit Courts Escrow Fund	0	0	505,500	505,500
Basic Civil Legal Services Fund	3,044,002	2,085,710	3,285,710	3,288,716
Supreme Court Administrative Revolving Fund	131,810	230,000	230,000	230,000
Domestic Relations Resolution Fund	413,189	392,400	392,400	395,262
<b>Full-time equivalent employees</b>	<b>3,293.96</b>	<b>3,372.05</b>	<b>3,675.41</b>	<b>3,379.55</b>

\* Does not include \$765,361 recommended in the Fiscal Year 2006 Supplemental Appropriations. See the Supplemental section of the Missouri Budget for details regarding Judiciary supplemental appropriations.

## DEPARTMENT SUMMARY

Governor Blunt's Fiscal Year 2007 budget provides a total of \$173.9 million for the Judiciary. The Judiciary ensures Missourians have a fair and accessible forum for the adjudication of civil disputes and criminal charges.

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### **SUPREME COURT AND STATE SENTENCING ADVISORY COMMISSION**

The Supreme Court has exclusive appellate jurisdiction in all cases involving: the validity of a treaty or statute of the United States or of a statute or provision of the Missouri Constitution; the construction of the state's revenue laws; the title to any state office; and, in all cases, where the punishment imposed is death. In addition, the court may order cases transferred to it from the Court of Appeals if the cases involve questions of general interest or importance, if the court thinks the existing law should be reexamined, if the opinion conflicts with prior opinions, or for other reasons provided by rule of the court. The Court of Appeals also may order a case transferred to the Supreme Court after opinion either by order of the Court of Appeals itself, or by the dissent of a court of appeals judge.

The court is also authorized by the Constitution to establish rules for practice and procedure in the courts and to make temporary transfers of judicial personnel. In addition to its decision-making powers, the Supreme Court supervises all lower courts in the state (assisted by the Office of State Courts Administrator), licenses all lawyers practicing in Missouri, and disciplines those found guilty of violating the Rules of Professional Conduct.

The first Missouri Sentencing Advisory Commission was created in House Bill 974 in 1990. The commission completed its work in 1998. In 2003, Senate Bill 5 revised the commission, creating new deadlines and responsibilities. The statutory requirements for the sentencing commission are:

- Study and evaluate sentencing disparity.
- Establish and distribute a system of recommended sentences.
- Study alternative sentencing and prepare a feasibility study.
- Publish, distribute, and revise recommended sentences every two years.

The commission is composed of one member of the House, one member of the Senate, Director of the Department of Corrections, six members appointed by the Governor, and two members appointed by the Supreme Court.

#### **Fiscal Year 2007 Governor's Recommendations**

- \$1,200,000 for Basic Civil Legal Services Fund.
- \$122,969 for pay plan, including \$103,501 general revenue.
- (\$251,753) federal funds and (two) staff core reduction from Fiscal Year 2006 funding level.

### **OFFICE OF STATE COURTS ADMINISTRATOR**

The Office of State Courts Administrator fulfills the administrative obligations of the Supreme Court, which are mandated under the judicial article and the statutes. Staff of the office provides technical assistance, statistical analysis, financial system analysis, continuing education, and automation support functions for the courts. The office assists in policy direction for the Statewide Judicial Information System and Missouri Court Automation, collects and analyzes caseload data from the courts, develops and operates appellate and circuit record-keeping systems, develops and operates administrative systems, prepares the judicial budget, and maintains the personnel system for the courts. The office processes payrolls for all state-paid circuit court employees and all other state expenditures of the Supreme Court and circuit courts. The fundamental strategic goal is to build an integrated court system that renders geography largely irrelevant with greater efficiency, wider access, and enhanced accountability for the litigant and taxpayer.

#### **Fiscal Year 2007 Governor's Recommendations**

- \$500,000 federal funds for criminal records reporting.
- \$366,165 for pay plan, including \$229,781 general revenue.
- (\$2,446,805) federal funds core reduction from the Fiscal Year 2006 appropriation level.
- (\$709,944) Court Automation Fund core reduction from the Fiscal Year 2006 appropriation level.
- (\$161,239) transferred to statewide leasing budget, including (\$154,683) general revenue.

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### **COURT OF APPEALS**

Missouri's current appellate structure—a single Court of Appeals consisting of three districts—was established by a 1970 constitutional amendment. The Eastern District sits in St. Louis, the Western District sits in Kansas City, and the Southern District holds sessions in Springfield and Poplar Bluff. The number of judges in each district is set by statute. The Eastern District has 14 judges, the Western District has 11 judges, and the Southern District has 7 judges.

The Court of Appeals may issue and determine original remedial writs and has general appellate jurisdiction in all cases not within the exclusive jurisdiction of the Supreme Court. Cases not within the Supreme Court's exclusive jurisdiction may be transferred from the Court of Appeals to the Supreme Court when it is determined that a case involves an important issue that should be decided by the state's highest court.

#### **Fiscal Year 2007 Governor's Recommendations**

- \$204,396 for pay plan.

### **CIRCUIT COURTS**

Circuit courts are established by Article V, Section 1 of the Constitution of Missouri. The boundaries, circuit number, and inclusive counties of the 45 circuits are established by Chapter 478, RSMo. The circuit court is the exclusive trial court in Missouri. It is comprised of circuit judges, associate circuit judges, and municipal judges. Municipalities under 400,000 population may, and those over 400,000 must, make provision for judges to hear municipal ordinance violations. If such provision is not made, municipalities will file such cases before an associate circuit judge.

#### **Fiscal Year 2007 Governor's Recommendations**

- \$505,500 Circuit Court Debt Offset Fund for the reimbursement of local, county, and state governments.
- \$437,040 and 6.5 staff for statutorily mandated positions including a Family Court Commissioner in the 29th Judicial Circuit, a Drug Court Commissioner in the 42nd Judicial Circuit, and Circuit Court Judges in the 23rd and 11th Judicial Circuits as pursuant to SB 420 (2005), as well as an additional Associate Circuit Judge in the 13th Circuit as pursuant to SB 5 (2003).
- \$124,260 and two staff cost to continue for an additional Associate Circuit Court Judge in Cass County.
- \$62,130 and one staff cost to continue for an additional Associate Circuit Court Judge in the 11th Judicial Circuit.
- \$3,001,436 for pay plan, including \$2,936,403 general revenue.
- \$7,579,900 transferred from the Office of Administration for juvenile personnel.
- (\$26,928) core reduction from Fiscal Year 2006 funding level.
- (\$7,579) transferred to the statewide leasing budget.

### **DRUG COURTS**

The main purpose of a drug court program is to use the authority of the court to reduce crime by changing defendants' drug-using behavior. Under this concept, defendants are diverted to drug court programs in various ways and at various stages of the judicial process, depending on the circumstances. Drug courts provide the court system an additional tool to reduce the number of people coming into the court and penal systems because of substance abuse by reducing the rate of recidivism. Additionally, providing drug treatment programs decreases the negative consequences of drug abuse by reducing the number of additional cases filed involving family disputes, abuse and neglect, truancy, property crimes, and crimes of violence.

In 1998, the legislature passed HB 1147, which allows any circuit to establish a drug court that shall combine judicial supervision, drug testing, and treatment of drug court participants. House Bill 471, passed by the General Assembly in 2001, established a "Drug Court Coordinating Commission" (DCCC), composed of eight members: one member selected by the director of the Department of Corrections, one member selected by the director of the Department of Social Services, one member selected by the director of the Department of Mental Health, one member selected by the director of the Department of Public Safety, one member selected by the Office of State Courts Administrator, and three members selected by the Supreme Court. The commission is to evaluate, secure, coordinate, and allocate funding resources to the various drug courts around the state.

#### **Fiscal Year 2007 Governor's Recommendations**

- \$2,125,000 for drug courts.
- (\$1,125,000) federal funds core reduction from Fiscal Year 2006 funding level.

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### **COMMISSION ON RETIREMENT, REMOVAL, AND DISCIPLINE OF JUDGES**

The Commission on Retirement, Removal, and Discipline of Judges, authorized in Article V, Section 24 of the Missouri Constitution, receives and investigates all requests and suggestions concerning retirement for disability and all complaints concerning misconduct of judges, members of the judicial commissions, and members of this commission. The commission is composed of two citizens who are not members of the bar and who are appointed by the Governor, two lawyers appointed by the governing body of the Missouri Bar, one judge of the Court of Appeals selected by a majority of the judges of the Court of Appeals, and one judge of the circuit courts selected by a majority of the circuit judges of this state.

#### **Fiscal Year 2007 Governor's Recommendations**

- \$10,000 for investigation expenses.
- \$6,020 for pay plan.

### **APPELLATE JUDICIAL COMMISSION**

The Appellate Judicial Commission consists of a judge of the Supreme Court, one member of the bar from each appeals district, and one citizen not a member of the bar from each appeals district. The commission considers vacant judgeships of the Supreme Court or the Court of Appeals. The Circuit Judicial Commission consists of the chief judge of the Court of Appeals over the district, two members of the bar residing in the judicial circuit, and two citizens not members of the bar residing in the circuit. This commission considers vacancies in the office of circuit judge or associate circuit judge in those districts subject to nonpartisan selection of judges.

#### **Fiscal Year 2007 Governor's Recommendations**

Continue funding at the current level.